

Responsive to the Reply Brief filed on August 5, 2008, a supplemental Examiner's Answer is set forth below:

Appellants' Reply Brief of June 8, 2009 alleges that the Examiner's Answer contained five "new points of argument". This allegation is incorrect since points 2-5 constituted the examiner's response to arguments raised for the first time by appellants in their Brief. Since the examiner's Answer contains a full response to appellants' points 2-5, these points will not be further addressed.

Appellants' point 1 does address a new ground of rejection (i.e., that the scope of exclusion in claim 17 is unclear). The present claims recite an image-receiving layer that can contain 49.99% of titanium dioxide and/or zinc oxide particles (see the paragraph bridging pages 4 and 5 of appellants' specification). The aforementioned titanium dioxide and zinc oxide particles are set forth in a list of suitable inorganic particles, not as UV absorbers which are discussed later in the first full paragraph on page 17 of appellants' specification. Since both titanium dioxide and zinc oxide particles are well-known UV absorbers (see the attached "Article for Chemistry in Australia") that appellants' specification describes as desirable components in their image-receiving layer, it cannot be determined if claim 17 would include or exclude inorganic particles such as titanium dioxide and zinc oxide that have a well-known function as UV absorbers. Finally, it is noted that the "Article for Chemistry in Australia" is not being relied upon as a reference but merely to support a material fact already of record (i.e. that titanium dioxide and zinc oxide particles are well-known UV absorbers).

Appellant may file another reply brief in compliance with 37 CFR 41.41 within two months of the date of mailing of this supplemental examiner's answer. Extensions of time under 37 CFR 1.136(a) are not applicable to this two month time period. See 37 CFR 41.43(b)-(c).

A Technology Center Director or designee has approved this supplemental examiner's answer by signing below:

/Bruce H Hess/

Primary Examiner, Art Unit 1794

/William A Krynski/

Quality Assurance Specialist, TC 1700 / Director Designee